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Letter dated 8 January 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities containing its position on the recommendations contained in the seventh report of the Analytical Support and Sanctions Monitoring Team (S/2007/677, enclosure) (see annex). I would appreciate it if the report could be circulated to the members of the Security Council and issued as a document of the Council.

(*Signed*) Johan **Verbeke**
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

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Annex

Recommendations contained in the seventh report of the Analytical Support and Sanctions Monitoring Team

Position of the Committee

I. Introduction

1. Having completed a thorough analysis of the seventh report of the Analytical Support and Sanctions Monitoring Team (S/2007/677, enclosure),[1] the Al-Qaida and Taliban sanctions Committee would like to bring to the attention of the Security Council its position on a number of the recommendations contained therein.[2] Some recommendations have been found very relevant for the future work of the Committee, others are addressed to the Member States to help them to implement the sanctions measures (assets freeze, travel ban and arms embargo) decided by the Council and a last category could be useful for the Council itself when considering future resolutions.

2. The Committee highly appreciates the continued efforts of the Monitoring Team to identify ways to further strengthen the sanctions regime and to improve the implementation of the measures. The Committee therefore believes that many of the recommendations should be brought to the attention of the wider membership. While considering the recommendations, the Committee examined, in particular, whether the suggested improvements might impose an overly heavy burden on States, and it placed a strong emphasis on finding concrete ways to implement the recommendations.

3. The Committee focused in particular on recommendations aiming at further improving the quality of the Consolidated List and at enhancing dialogue with States. In this context, the Committee fully agrees with the overall findings of the Monitoring Team that effective dialogue between the Committee and States is the best way to promote joint ownership of the List and engagement in sanctions implementation (para. 9).[3]

II. The Consolidated List

4. **Original script**. The Committee fully supports the recommendation that the Committee and States bring to wider attention, particularly of financial institutions and others involved in implementation, the rendering of names of individuals and entities on the List in their original script (para. 28).

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[1] The report submitted to the Al-Qaida and Taliban sanctions Committee on 30 September 2007 in accordance with resolution 1735 (2006) was transmitted to the Security Council on 15 November 2007 and subsequently issued as a document of the Council (S/2007/677).

[2] This is the fifth written report of the Committee to the Security Council on the reports of the Monitoring Team. Earlier reports by the Monitoring Team and reports on the Committee's position on the recommendations can be found on the Committee's website (www.un.org/sc/committees/1267/index.shtml).

[3] The reference is to the Monitoring Team's seventh report (S/2007/677, enclosure).

5. **Listing requests**. While recognizing their own responsibility with regard to updating the List, the members of the Committee encourage all States to continue to submit names of individuals and entities that are associated with Al-Qaida, Osama bin Laden and the Taliban, and to provide additional identifiers to the existing names on the List. The Committee wishes to reiterate that the cover sheet included in annex I to resolution 1735 (2006) and available on the Committee's website provides a useful tool in this regard. The Committee also agrees with the finding of the Monitoring Team that it would be useful to add more information on the List as to the primary reason for the listing. The Committee endorses the recommendation to add such detail to the List where the submitting State(s) agree(s). The recommendation that the Monitoring Team submit at regular intervals names that it believes should merit consideration for listing, could be referred to the Security Council in view of any future resolution (paras. 27 and 36).

6. **Lack of identifiers**. The Committee also encourages States to report when they encounter problems of implementation because of a lack of identifiers. The Committee may then, on a case-by-case basis, consider how to improve these entries, in conjunction with the designating State(s) and, where appropriate, with the States of nationality or residence (para. 29).

7. **Useful tools and documents**. In order to facilitate the submission of names and the provision of additional identifiers, the Committee will work with the Monitoring Team to update a number of tools and documents related to the Consolidated List (available on the Committee's website). These include the cover sheet included in annex I to resolution 1735 (2006), which was designed to offer practical guidance to States on listing, but could also be used to offer additional identifiers, as well as the introductory page of the List and the guidance note on searching the List. The Committee is also supportive of the recommendation to enhance the dialogue between the Committee and States by creating a tool for voluntary, informal reporting (a survey). This would allow the Committee to receive updated information without imposing additional reporting obligations on States. Given the different nature of the mechanisms, the survey should be clearly separated from the mandatory State reporting requirement in accordance with resolution 1455 (2003) and the checklist requested under resolution 1617 (2005). The Committee requests the Monitoring Team to develop proposals for such a survey (paras. 30, 35 and 144).

8. **Section E of the Consolidated List on de-listed individuals and entities**. The Committee agrees in principle with the recommendation to separate section E (individuals or entities that have been removed from the List pursuant to a decision by the Committee) from the rest of the List. The Committee stands ready to consider further the practical implementation of this recommendation based on additional input from the Monitoring Team, taking into account that information contained in the section should continue to be made available for any possible reference purposes (para. 33).

9. **De-listing of deceased individuals**. The Committee is of the view that its note verbale dated 25 April 2006[4] provides sufficient guidance on what is required in order for the Committee to consider removing an individual from the List on

[4] Note verbale SCA/2/6(8), the content of which is available on www.un.org/sc/committees/1267/deceased_individuals.shtml.

account of the death of the individual. The Committee agrees to explore ways of including the content of the note verbale in its guidelines (para. 38).

III. Implementation of the sanctions

10. **Review pursuant to paragraph 6 (i) of the Committee guidelines**. The Committee notes that the review has only been conducted once so far (in 2007), and that therefore any conclusion on this mechanism should only be seen as preliminary. The Committee decides to consider, in early 2008, which elements of its methodology could be improved in order to make the outcome of the existing review process more tangible for its second edition in 2008. At the end of the second review, the Committee would evaluate the mechanism (paras. 42-47).

11. **Partial and global listings of entities operating in several countries**. The Committee agrees that accurate information on the targeted entities at the time of listing is of the utmost importance. Given the complexity and the sensitivity of the matter, the Committee decides to study these recommendations further on the basis of an in-depth analysis to be provided by the Monitoring Team (paras. 49-56).

12. **National focal point**. States are responsible for developing their own national mechanism to implement sanctions. The Committee is of the view that the establishment of a national focal point for the coordination and explanation of the sanctions regime, which could possibly also act as a help desk for private financial institutions, could be useful in this regard (paras. 66 and 138).

IV. Assets freeze

13. **Alert relevant State(s) following a listing**. The Committee supports the recommendation that, following a decision to list an individual or entity, it should alert the relevant State(s) where funds or economic resources are known or believed to be located immediately before circulating the notice of the listing more generally. This could help avoid assets flight resulting from delays between a listing becoming public and the measures taking effect in all States (para. 62).

14. **Information from the relevant State(s)**. The Committee also endorses the recommendation to target the requests for information more precisely at States where a listed individual or entity operates or seeks to operate, without imposing an overly heavy reporting burden on those States. The Monitoring Team might play a useful role as intermediary in this regard (para. 63).

15. **Requests for information received by the Committee**. The Committee also supports taking better stock of requests from States asking for additional information on listed individuals and entities, and agreed with the recommendation to keep a list of all requests received (para. 71).

16. **Successor organizations and non-monetary assets**. Given the complexity of these issues, the Committee decides to examine these matters further in 2008 (paras. 82-88).

17. **Opening of bank accounts on behalf of another party**. In order to make it harder for listed individuals to benefit from nominee accounts, the Committee fully supports the recommendation to States that they require anyone opening a bank

account on behalf of another party to disclose this fact to the financial institutions concerned, and notes that this was already a well-established practice in a number of countries (para. 65).

18. **International business corporations (or "offshore entities")**. The Committee supports in principle the recommendations addressed to States in this area, including to check the names of beneficial owners, directors or managers of international business corporations against the Consolidated List. The Committee encourages States to require that their respective company registration offices constantly screen new companies and their directors and owners against the Consolidated List (paras. 72-77).

V. Travel ban

19. **Use of fraudulent, forged or stolen travel documents**. Given the value of such documents to terrorists, the Committee supports the recommendation that States make a special effort to identify and submit for listing the names of people who provide those documents to listed individuals on the basis of their association with and support for Al-Qaida, the Taliban and their associates (para. 93).

20. **Further guidelines on the exemptions to the travel ban pursuant to paragraph 1 (b) of resolution 1735 (2006)**. While referring to the fact sheet posted on its website,[5] the Committee decides to examine this issue further based on input from the Monitoring Team (para. 96).

VI. Arms embargo

21. **Explanation of terms**. To help States better understand their obligations, the Committee requests the Monitoring Team to submit for its consideration an updated version of the explanation of terms paper available on its website. The Committee is of the view that similar explanation of terms papers may also be useful for the two other sanctions measures and requests the Monitoring Team to prepare drafts in this regard. The Committee also sees value in the recommendation to have one document outlining the Committee's position on various issues related to the arms embargo[6] (para. 103).

22. **Mechanisms to ensure that neither buyers, intermediaries or end users are listed or are acting on behalf of any listed individual or entity**. In order to help States implement one of the core obligations under the arms embargo, that is to prevent the indirect supply, sale or transfer of arms and related materiel to those on the List, the Committee endorses the recommendation to encourage the creation of mechanisms, at both the national and the international levels, to ensure that neither buyers of arms or related materiel nor their intermediaries or end users appear on the Consolidated List or are acting under the direction or on behalf of any listed individual or entity. The Committee requests the Monitoring Team to present proposals for the implementation of this recommendation (para. 101).

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[5] www.un.org/sc/committees/1267/fact_sheet_travel_ban.shtml.

[6] The Committee issued a note verbale on 31 July 2007 (SCA/2/07(12)) which sets out its position on four recommendations made by the Monitoring Team in its fifth and sixth reports (S/2006/750 and S/2005/132).

23. **Scope of the arms embargo**. The Committee requests the Monitoring Team to work on a document compiling States' experiences in dealing with the threat of civilian and improvised explosives. The recommendation to explicitly specify that the arms embargo covers training and recruitment comprehensively on the one hand, and civilian and improvised explosives specifically on the other, could be referred to the Security Council for discussion on any future resolution (paras. 105, 106 and 108).

24. **Internet**. These recommendations will be further examined in the light of the Committee's consideration of the cross-cutting issue of the criminal misuse of the Internet (para. 110).

25. **Agreements with the International Civil Aviation Organization (ICAO), International Air Transport Association (IATA) and the World Customs Organization (WCO)**. In terms of the issue of illicit arms trafficking by air, the Committee expresses its willingness to consider proposals for high-level agreements with relevant international organizations in this area, such as ICAO, IATA and WCO (paras. 112-114).

26. **INTERPOL Weapons and Explosives Tracking System (IWETS)**. The Committee also sees merit in the recommendation to encourage States to use mechanisms developed by other relevant international organizations in areas related to the arms embargo, such as the IWETS, which is intended to take stock of information on stolen, lost or illicit firearms (paras. 116 and 117).

27. **National legislation**. The Committee encourages States to fully utilize the legal instruments at their disposal and, if needed, assess and evaluate them to ensure that they are sufficiently directed against listed individuals and entities (para. 99).

28. **Nationals outside State borders**. Since States are also responsible for their nationals operating abroad, including in the areas of providing technical advice, assistance and military training that can be of assistance to Al-Qaida and Taliban associates, the Committee encourages all States to share pertinent information with other Governments and relevant international and regional organizations (para. 102).

29. **Notification**. Even though the primary responsibility to implement sanctions rests on States, the Committee supports the recommendation to specifically inform listed individuals of the measures in place against them through the notification procedure outlined in paragraph 11 of resolution 1735 (2006) (para. 111).

VII. Conclusion

30. With the present report, the Committee wishes to highlight those recommendations made by the Monitoring Team that the Committee found to be of particular relevance and/or which should be implemented on a priority basis. Some recommendations need further in-depth analysis or conceptual development in order to be implemented in practical terms. The Committee looks forward to further input from the Monitoring Team in this regard.

31. In order to further enhance dialogue with States, the Committee also wishes to encourage all States to share with the Committee their views and experiences with implementing the sanctions measures at the national level, including by sending

representatives to meet with the Committee pursuant to paragraph 29 of resolution 1735 (2006).

32. The Committee expresses its appreciation to the Monitoring Team for its comprehensive and high-quality report and for the number of valuable recommendations contained therein.